



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and the tenant agreed she received the Notice to end Tenancy dated July 2, 2013 posted on her door and the Application for Dispute Resolution by registered mail. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated July 2, 2013 for unpaid rent. The tenant vacated on August 1, 2013 so the landlord no longer requires an Order of Possession. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenant commenced living in the premises in December 2012, a security deposit of \$525 was paid and rent is currently \$1050 a month plus \$137.40 for utilities. It is undisputed that the tenant owes \$1050 rent plus \$137.40 for July 2013 but the landlord said he re-rented the unit for August 15, 2013 and is claiming only half of the rent and utilities for August. The tenant said she owed that and she thinks the landlord is being very reasonable.

In evidence is the lease and the Notice to End Tenancy.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

I find an Order of Possession is no longer requested as the tenant has vacated.

Monetary Order

I find that there are rental arrears and rental loss in the amount of \$1575 (\$1050 July and \$525 August) and utility arrears or loss in the amount of \$206.10 (\$137.40 July and \$68.70 August).

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental arrears and loss	1575.00
Utility arrears and loss	206.10
Filing fee	50.00
Less security deposit (no interest 2012-13)	-525.00
Total Monetary Order to landlord	1306.10

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 21, 2013

Residential Tenancy Branch